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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,100	07/26/2000	Adam M. Gersting	426882000500	8237

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EXAMINER	
BOYCE, ANDRE D	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/626,100	GERSTING, ADAM M.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 20-25* is/are rejected.

7)☐ Claim(s) *19 and 26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed January 7, 2005. Claims 1, 9, and 23 have been amended. Claims 1-26 are pending.

2. Applicant's arguments filed January 7, 2005 have been fully considered but they are not persuasive. Further, any changes to the rejections have been necessitated by Applicant's amendment to the claims.

Claim Objections

3. Claim 1 is objected to because of the following informalities: The phrase "are needed" is repeated twice in line 6 of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-18 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al (USPN 6,356,903), in view of Swartz et al (USPN 6,236,994), in further view of Papagan et al (US 2002/0059604).

As per claim 1, Baxter et al disclose a method for designing a coordinated content management and delivery system (web based content management system, see Figure 1) comprising the acts of, determining by computer key considerations

(i.e., requested content) related to the client environment (see column 4, lines 38-42), the key considerations comprising what content related processes are needed to support publishing (i.e., content management control processes 76 for automated update of the processing and management of the content, column 5, lines 64-67); providing by computer key processes (organizational and format components) for use in developing a solution to a system design problem (see column 5, lines 48-51), the system design problem being the determination of what content management and delivery products and processes to implement and how to implement them (i.e., each responsible contributor creates, edit, and/or designs the components and overall format of the content and delivery, see column 5, lines 44-55), wherein the key processes comprise workflow tracking for content elements, capture and use of customer's user preferences (i.e., personalization process, see column 17, lines 8-13), application of business rules to user preferences to determine future content development (i.e., format rules as determined by content creators and designers, see column 4, lines 54-67), access control for the content management (see column 5, lines 34-36); metadata capture including author, date of creation, and topic (see column 7, table 2); and applying by computer these key considerations and processes to the system design problem with the assistance of a framework (outlines and associated templates, see column 5, lines 51-54) showing basic content management and delivery element relationships to provide personalized content for a customer, whereby such a solution to the system design problem can be produced (i.e., personalization strategy and relevant content is identified, step

S333, Figure 9), and wherein the personalized content is in accordance with the at least one customer's user preferences (i.e., personalization based upon user profile and segment group, column 17, lines 20-29) and at least one business objective (i.e., use of test groups to allow comparison of the results of the personalization process across the various test groups, column 17, lines 33-36); and delivering the personalized content to the customer (i.e., relevant content is retrieved and returned to the content management system for delivery, column 17, lines 41-43).

Baxter et al does not explicitly disclose obtaining information indicative of a client environment. Swartz et al discloses the main elements of generic client applications, including searching, viewing, development tools, and administrative applications (column 3, lines 3-22).

Neither Baxter et al nor Swartz et al explicitly disclose what combination of channels and related devices are to be supported and selecting a delivery channel from a plurality of delivery channels in accordance with the at least one customer's user preferences and distributing the personalized content over the selected delivery channel. Papagan et al disclose a process for creating and publishing media content (figure 1), wherein the user distributes media content via distribution software, step 108 (¶ 0038). Further Papagan et al disclose channel distribution server generating a play list for a viewer, the play list allowing the viewer to obtain information about and select the media content (¶ 0039) and the presentation software including a channel selector for allowing the viewer to manipulate a channel playlist (¶ 0046).

Baxter et al, Swartz et al, and Papagan et al are concerned with the effective content management (i.e. knowledge, data, and information). Further, Baxter et al discloses the system usable with a variety of delivery systems (i.e., channels, column 4, lines 20-24), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include information indicative of a client environment, and what combination of channels and related devices are to be supported, in the Baxter et al system, as seen in Swartz et al and Papagan et al, respectively, in order to assist the user in effective construction of a client environment, along with consistently delivering suitable content management solutions efficient distribute the content via the most effective channel.

As per claim 2, Baxter et al disclose the solution to the system design problem includes facilities whereby coherent sales, training, electronic learning or marketing campaigns are efficiently generated to web-based and other clients (training system, see column 4, lines 20-24).

As per claim 3, Baxter et al disclose the solution to the system design problem includes facilities whereby transaction processing and execution are monitored and captured for adding data to a target customer's profile (user profile, see column 17, lines 18-24).

As per claim 4, neither Baxter et al nor Papagan et al explicitly disclose the framework is a formalized framework for supporting assessment of needs, and planning and implementing of content management solutions. Swartz et al disclose planning based on various information sources and decision points (see column 7,

lines 58-62). Swartz et al also discloses a framework to build, augment, and represent (i.e. assess, plan, and implement) the integration knowledge (content) base (see column 18, lines 55-64). Baxter et al, Swartz et al, and Papagan et al are concerned with the effective content management (i.e. knowledge, data, and information). Further, Baxter et al discloses the system usable with a variety of delivery systems (i.e., channels, column 4, lines 20-24), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a formalized framework in Baxter et al, as seen in Swartz et al, thereby having a construct to assist the user in consistently delivering suitable content management solutions.

As per claim 5, neither Baxter et al nor Papagan et al explicitly disclose the formalized framework and associated processes and considerations being used to guide discussions about desired capabilities of the desired content management and delivery system. Swartz et al disclose a generalized view of the knowledge integration system 200, able to integrate the operation of a series of related applications (i.e., formalized framework, column 17, lines 27-30). Further, Swartz et al disclose the ability to visualize and explore past, present, and potential decisions based on the content (i.e., discuss, see column 7, lines 49-55). Baxter et al, Swartz et al, and Papagan et al are concerned with the effective content management (i.e. knowledge, data, and information). Further, Baxter et al discloses the system usable with a variety of delivery systems (i.e., channels, column 4, lines 20-24), therefore it would have been obvious to one having ordinary skill in the art at the time the

invention was made to include the uses of the formalized framework in Baxter et al, as seen above, thereby providing the user with a construct to either avoid, recognize, or reflect on problems that could cost the user time and/or money (see Swartz et al column 7, lines 58-67, and column 8, lines 1-7).

As per claim 6, neither Baxter et al nor Papagan et al explicitly disclose developing a meaning of content management and a set of process considerations required for the definition of content management. Swartz et al disclose document manufacturing creation tools, including content templates and document assembly (column 17, lines Baxter et al, Swartz et al, and Papagan et al are concerned with the effective content management (i.e. knowledge, data, and information). Further, Baxter et al discloses the system usable with a variety of delivery systems (i.e., channels, column 4, lines 20-24), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the uses of the formalized framework in Baxter et al, as seen above, thereby providing the user with a construct to either avoid, recognize, or reflect on problems that could cost the user time and/or money (see Swartz et al column 7, lines 58-67, and column 8, lines 1-7).

As per claim 7, neither Baxter et al nor Papagan et al explicitly disclose an assessment of the business capabilities to be supported. Swartz et al disclose implementing the system in one or more phases of complexity, based on the problem (i.e. developing and assessing the content management to achieve an effective design solution, see column 8, lines 45-49). Baxter et al, Swartz et al, and

Papagan et al are concerned with the effective content management (i.e. knowledge, data, and information). Further, Baxter et al discloses the system usable with a variety of delivery systems (i.e., channels, column 4, lines 20-24), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the uses of the formalized framework in Baxter et al, as seen above, thereby providing the user with a construct to either avoid, recognize, or reflect on problems that could cost the user time and/or money (see Swartz et al column 7, lines 58-67, and column 8, lines 1-7).

As per claim 8, neither Baxter et al nor Papagan et al explicitly disclose an effective design solution is achieved including an assessment of available products and services. Swartz et al disclose implementing the system in one or more phases of complexity, based on the problem (i.e. developing and assessing the content management to achieve an effective design solution, see column 8, lines 45-49). Baxter et al, Swartz et al, and Papagan et al are concerned with the effective content management (i.e. knowledge, data, and information). Further, Baxter et al discloses the system usable with a variety of delivery systems (i.e., channels, column 4, lines 20-24), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the uses of the formalized framework in Baxter et al, as seen above, thereby providing the user with a construct to either avoid, recognize, or reflect on problems that could cost the user time and/or money (see Swartz et al column 7, lines 58-67, and column 8, lines 1-7).

Claims 9-16 are rejected based upon the rejection of claims 1-8, since they are the system claims corresponding to the method claims.

As per claim 17, Baxter et al disclose the workflow tracking for content elements including tracking for review status and access privileges (content management server controls access, column 5, lines 34-36), the at least one customer's user preferences include an access record associated with user preferences (user profile, column 17, lines 18-24), the application of business rules to user preferences includes input templates for input characteristics of content elements and display templates for display characteristics of content elements (personalization strategy including relevant content, page creation on the site, and process implementation, column 17, lines 38-44), the access control of content management includes access control for creating, reading, updating, deleting, and approving content elements (content creator access to the content for maintenance and/or modification, column 5, lines 25-27), and the metadata capture includes a taxonomy having one or more fields for categorizing content elements and corresponding keyword values for the one or more fields (attributes and attributes descriptions, including metadata, table 2).

As per claim 18, Baxter et al disclose the framework including a content delivery system and a content development and management system connected to the content delivery system (content management system including content design and creation processes 72 and 74, column 5, lines 59-63), and further comprising receiving planning input at the content development and management system from a

planning unit (assembly procedure 70, column 5, lines 56-58), processing the planning input at the content development and management system to determine planning output and content elements (content design and creation processes 72 and 74), receiving planning output at the planning unit from the content development and management system (content design 70), receiving content elements at the content delivery system from the content development and management system (content creation 72), assembling content elements at the content delivery system to determine customer output (assembly procedure 70, column 6, lines 3-5), and receiving customer output at the customer unit from the content delivery system (assembled web page to web site 80).

Claims 20-22 are rejected based on the rejections of claims 17, 18, and 17, respectively, since they are the system claims that correspond to the method claims.

Claims 23-25 are rejected based upon the rejections of claims 1, 17, and 18, respectively, since they are the computer-readable media claims corresponding to the method claims.

Allowable Subject Matter

6. Claims 19 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. In the Remarks, Applicant argues, with respect to claims 1, 9, and 23, that the combination of Baxter, Swartz, and Downs does not teach or suggest the personalized content is in accordance with the at least one customer's user preferences and at least one business objective; and delivering the personalized content to the customer. The Examiner respectfully disagrees and submits that Baxter et al discloses personalization based upon user profile and segment group (column 17, lines 20-29), use of test groups to allow comparison of the results of the personalization process across the various test groups (column 17, lines 33-36), and relevant content retrieved and returned to the content management system for delivery (column 17, lines 41-43).

Applicant also argues that the combination of Baxter, Swartz, and Downs does not teach or suggest selecting a delivery channel from a plurality of delivery channels in accordance with the at least one customer's user preferences and distributing the personalized content over the selected delivery channel. The Examiner submits that Papagan et al indeed discloses the limitations, as seen in the above rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Herz et al (USPN 5758257) disclose customized electronic identification of objects.

-Herz (USPN 6029195) discloses advertisements relevant to the nature of the content being discussed.

-Goldhaber et al (USPN 5794210) disclose points of interest that establish a mechanism for tracking all consumption and viewing, and keeping indexed content.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adb
April 3, 2005

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